

REMARKS

No Claims have been amended or cancelled.

Claims 1-18 are currently pending in this application.

Claims 1, 6, 10, 12, and 17 are in independent format.

1. Election / Restriction

The Examiner has stated that the application contains claims directed to more than one species of generic invention, and that the species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner further states that under PCT Rule 13.2 the species lack the same or corresponding special technical features because they are all devices with different features for presenting bouquets of flowers.

Applicant hereby traverses the requirement of an election on the basis set forth below. In the event Applicant's arguments are not persuasive, Applicant hereby elects to proceed with Species T as shown in Figures 26-29 and set forth in Claims 6-10.

Applicant hereby traverses the requirement of election on the basis that the Examiner has not reviewed the proper drawing figures pending in the application, and has not correctly identified the claims pending in the application.

The Examiner's Office Action Summary identifies Claim 1-33 as pending in the application and subject to the restriction/election requirement. However, upon filing, this application included a copy of the PCT Article 34 amendments and a Substitute Specification in which the claims as originally filed with the PCT application were amended. The PCT Article 34 amendments cancelled original Claims 1-33 and

substituted replacement Claims 1-17. By the Substitute Specification, replacement Claim 8 was split into two claims, resulting in a total of 18 replacement claims upon the 35 U.S.C. § 371 filing. Hence, it appears that the pending claims (1-18 of the Substitute Specification) were not properly considered by the Examiner in preparing the Office Action.

The Detailed Office Action sets forth Species A – AA, and identifies corresponding drawing figures 1-45. However, upon filing, the copy of the PCT Article 34 amendments clearly identifies that original drawing figures 1-45 have been replaced by drawing figures 1-19. This is further reiterated in the Substitute Specification which clearly describes only Figures 1-19. Hence, it appears that the pending drawing figures 1-19 were not properly considered by the Examiner in preparing the Office Action.

Replacement Drawing Figures 1-19 and corresponding Replacement Claims 1-17 set forth in the Article 34 Amendments formed the basis for the International Preliminary Examination Report (IPER), completed on August 6, 2004. An English-language translation of the IPER was submitted with the 35 U.S.C. § 371 filing. The IPER **did not** identify a lack of unity of the invention, when considering replacement drawings 1-19 and replacement claims 1-17. (See: IPER, Section 3.IV). The common concept for all embodiments is “a device for the presentation and preservation of individual bouquets of flowers allowing the flowers to be held at the level of a central vertical axis of the device.”

Accordingly, Applicant hereby respectfully requests that the election/restriction requirement set forth in the Office Action of August 7, 2006 be withdrawn, and that a new Office Action be issued which is based on the properly pending drawing Figures 1-

19, the properly pending Claims 1-18, as set forth in the previously submitted Article 34 Amendments and Substitute Specification, and the original findings of unity of invention as set forth in the IPER.

2. Conclusion

Based on the foregoing, prosecution of all pending claims is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark E. Books". The signature is written in a cursive style with a horizontal line underneath it.

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